

10. The antibody of Claim 9, wherein the antibody is an antibody produced by the hybridoma deposited under the accession number FERM BP-4433.--

SUPPORT FOR THE AMENDMENT

The amendment to Claim 8 is supported by the specification at pages 4-32. No new matter is believed to have been added to this application by these amendments.

REMARKS

Claims 8-10 are pending in this application.

Regarding the rejection of the claims under 35 U.S.C. §112, first paragraph, Applicants confirm that the deposit was made under the terms of the Budapest Treaty. The deposit information is provided in the specification in the paragraph bridging pages 21 and 22. In addition, Applicants confirm that all restrictions on public availability will be irrevocably removed upon a grant of a patent from the present application. In view of the foregoing, withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §102(a) over Goto et al. in view of WO 98/35698 is respectfully traversed.

As amended, Claim 8 specifies that the polypeptide has pre-B cell growth-supporting ability. Goto et al. teach nothing about specific amino acid sequences and the pre-B cell growth-supporting ability thereof. Therefore, the reference fails to describe the claimed antibody. Regarding the Examiner's reliance on WO 98/35698, the Examiner acknowledges that the evidence in an additional reference to show the inherent characteristics "would be recognized by persons of ordinary skill." However, the Examiner has not presented any

evidence to establish this fact. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

James J. Kelly, Ph.D.
Registration No. 41,504



22850

(703) 413-3000
Fax #: (703) 413-2220
I:\atty\JK\205721US.AMD1.wpd

Marked-Up Copy

Serial No: 09/828,217

Amendment Filed on:

HEREWITH

IN THE CLAIMS

--8. (Amended) An antibody which recognizes [recognizing] a polypeptide, wherein the polypeptide comprises [comprising] the amino acid sequence shown in SEQ ID NO: 1 and has pre-B cell growth-supporting ability.--